

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Nos. 5:15-CR-115-2D; 5:15-CR-115-3D

UNITED STATES OF AMERICA)	
)	
v.)	CONSENT AMENDED
)	SCHEDULING ORDER
DAVID RICKY GODWIN JR.,)	
RGB, INC. now known as)	
REGIONAL AMUSEMENTS, INC.,)	
)	
Defendants.)	

This matter is before the Court following the Court's order granting the Government's motion to sever. The parties have proposed a consent scheduling order to the Court, and for good cause shown and pursuant to 18 U.S.C. § 3161(h)(7)(A) it is hereby ORDERED:

I. Arraignment and Trial

(A) This case shall be set for arraignment at the term of criminal court commencing in April 2017.

(B) That the Court set a trial date that fits within its schedule no earlier than May 15, 2017.

(C) The deadlines listed below as being a certain number of days before trial shall be based on the trial date set by the Court. If any deadline has passed before the trial has been scheduled, the parties shall comply as soon as reasonably possible.

(D) Voir dire questions and requests for jury instructions shall be filed no later than one week before trial.

II. Motions

(A) Discovery-related motions under Rules 16 and 41 shall be filed as issues arise, and no later than January 9, 2017. Responses to discovery motions shall be filed no later than February 13, 2017, with any replies to be filed no later than February 21, 2017.

(B) Motions *in limine* (including motions concerning Rule 404(b) evidence) and any other miscellaneous trial-related motions shall be filed no later than 14 days before trial. Responses to such motions shall be filed no later than one week after the motion is filed.

(C) Untimely motions and motions filed in disregard of Local Rules 12.2 and 16.1 may be summarily denied. Parties seeking to file untimely motions should request leave of court and state the reasons for the untimeliness.

III. Rule 404(b) Evidence

The United States shall provide notice of any Rule 404(b) evidence no later than 35 days before trial.

IV. Discovery and Reciprocal Discovery

(A) The United States has already provided the defendants with a name and draft report of its proposed expert witness under Rule 16(a)(1)(G). Any objections to the qualifications or competency of the Government's expert, sometimes referred to as *Daubert* motions, shall be filed no later than January 17, 2017. Responses to such motions shall be filed no later than February 17, 2017.

(B) The defendants shall provide any reciprocal discovery on expert witnesses under Rule 16(b)(1)(C) no later than February 3, 2017. Any objections to the qualifications or competency of experts, sometimes referred to as *Daubert* motions, shall be filed no later than March 3, 2017. Responses to such motions shall be filed no later than March 27, 2017.

(C) The defendants shall provide reciprocal discovery under Fed. R. Crim. Proc. Rule 16(b)(1)(A) and (B) not later than 30 days before trial.

V. Summary Exhibits

(A) The government shall disclose any summary, chart, or calculation intended to be introduced as evidence under Fed. R. Evid. 1006, along with copies of the underlying information upon which such summary, chart, or calculation is based no later than 14 days before trial.

(B) Following the government's disclosure under subsection (A), and no later than seven days before trial, the defendant shall disclose any summary, chart, or calculation intended to be introduced as evidence under Fed. R. Evid. 1006, along with copies of the underlying information upon which summary, chart, or calculation is based.

(C) Subsequent modifications of or adjustments to any chart, summary, calculation disclosed per subsections (A) and (B) are allowed as long as the first draft and the underlying materials were disclosed within the time periods specified above and the changes do not unduly prejudice the opposing party.

VI. Exhibits offered pursuant to Fed. R. Evid. 902(11) or 18 U.S.C. § 3505

For any records that a party intends to offer into evidence pursuant to Fed. R. Evid. 902(11) or 18 U.S.C. § 3505, the party shall make available for inspection to the other parties the record and certification seven (7) days before trial.

VII. Speedy Trial Act

The period of delay resulting from this extension is excluded from Speedy Trial Act computation pursuant to 18 U.S.C. § 3161 as the ends of justice in this requested continuance outweigh the interest of the public and the defendant in a speedy trial.

SO ORDERED, this the 1 day of November, 2016.



JAMES C. DEVER, III
Chief United States District Judge